



April 4, 2003

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## ENGROSSED SENATE BILL No. 457

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DIGEST OF SB 457 (Updated April 2, 2003 12:34 PM - DI 107)

**Citations Affected:** IC 16-38; IC 34-30.

**Synopsis:** Immunization information. Specifies the purposes for which the immunization data registry may be used and specifies who may obtain the information. Requires information concerning the registry to be provided to patients. Provides immunity to certain persons who use the registry. Makes disclosing confidential registry information a Class A misdemeanor.

**Effective:** July 1, 2003.

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### Lawson C, Breaux

(HOUSE SPONSORS — BARDON, BUDAK)

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January 21, 2003, read first time and referred to Committee on Health and Provider Services.

February 13, 2003, amended, reported favorably — Do Pass.

February 17, 2003, read second time, ordered engrossed. Engrossed.

February 18, 2003, read third time, passed. Yeas 50, nays 0.

#### HOUSE ACTION

March 4, 2003, read first time and referred to Committee on Human Affairs.

April 3, 2003, amended, reported — Do Pass.

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ES 457—LS 7840/DI 77+



April 4, 2003

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

## ENGROSSED SENATE BILL No. 457

A BILL FOR AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 16-38-5-1, AS ADDED BY P.L.231-1999,  
2 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2003]: Sec. 1. **(a)** The state department may develop **and**  
4 **maintain** an immunization data registry **to collect, store, analyze,**  
5 **release, and report immunization data.**

6 **(b) Data in the immunization registry may be used only for the**  
7 **following purposes:**

8 **(1) To assure that necessary immunizations are provided and**  
9 **overimmunization is avoided.**

10 **(2) To assess immunization coverage rates.**

11 **(3) To determine areas of underimmunization and other**  
12 **epidemiological research for disease control purposes.**

13 **(4) To document that required immunizations have been**  
14 **provided as required for school or child care admission.**

15 **(5) To accomplish other public health purposes as determined**  
16 **by the state department.**

17 SECTION 2. IC 16-38-5-2, AS ADDED BY P.L.231-1999,

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SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. (a) A provider may provide immunization data to the immunization data registry ~~with specific written authorization of~~ **in a manner prescribed by the state department and for the purposes allowed under this chapter unless:**

(1) the patient; or

(2) the patient's parent or guardian, if the patient is less than eighteen (18) years of age;

has completed and filed with the provider a written immunization data exemption form.

(b) The state department shall create and provide copies of immunization data exemption forms to:

(1) providers who are:

(A) licensed under IC 25; and

(B) authorized within the provider's scope of practice to administer immunizations; and

(2) individuals;

who request the form.

(c) The state department shall distribute to providers, upon request, written information to be disseminated to patients that describes the immunization data registry. The written information must include the following:

(1) That the provider may report immunization data to the immunization data registry.

(2) That the patient or the patient's parent or guardian, if the patient is less than eighteen (18) years of age, has a right to exempt disclosure of immunization data to the registry and may prevent disclosure by signing an immunization data exemption form.

(3) That the patient or the patient's parent or guardian, if the patient is less than eighteen (18) years of age, may have the individual's information removed from the immunization data registry.

(4) Instructions on how to have the information removed.

SECTION 3. IC 16-38-5-3, AS ADDED BY P.L.231-1999, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) Records maintained as part of the immunization data registry are confidential.

(b) The state department may release ~~an individual's confidential information concerning individual immunization patient records to the individual or to the individual's parent or guardian if the individual is less than eighteen (18) years of age.~~



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(c) Subject to subsection (d), the state department may release information in the immunization data registry concerning an individual to the following entities:

- (1) The immunization data registry of another state. ~~or~~
- (2) A provider, if the following conditions are met:
  - (+) The other state registry or provider has entered
- (3) A local health department.
- (4) An elementary or secondary school that is attended by the individual.
- (5) A child care center that is licensed under IC 12-17.2-4 in which the individual is enrolled.
- (6) The office of Medicaid policy and planning or a contractor of the office of Medicaid policy and planning.

(d) Before immunization data may be released to an entity, the entity must enter into an agreement with the state department ~~(2) The agreement that~~ provides that information that identifies a patient will not be released to any other person without the written consent of the patient.

(e) The state department may release summary statistics regarding information in the immunization data registry if the summary statistics do not reveal the identity of an individual.

SECTION 4. IC 16-38-5-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) An entity described in section 3(c) of this chapter, the state department, or an agent of the state department who in good faith provides or receives immunization information is immune from civil and criminal liability for the following:

- (1) Providing information to the immunization data registry.
- (2) Using the immunization data registry information to verify that a patient or child has received proper immunizations.
- (3) Using the immunization data registry information to inform a patient or the child's parent or guardian of the patient or child's immunization status or that an immunization is due according to recommended immunization schedules.

(b) A person who knowingly, intentionally, or recklessly discloses confidential information contained in the immunization data registry in violation of this chapter commits a Class A misdemeanor.

SECTION 5. IC 34-30-2-77.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 77.2. IC 16-38-5-4 (Concerning



- 1 persons who report information to or receive information from the  
2 immunization data registry).

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SENATE MOTION

Mr. President: I move that Senator Breaux be added as coauthor of Senate Bill 457.

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## COMMITTEE REPORT

Mr. President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 457, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, between lines 7 and 8, begin a new line block indented and insert:

**"(6) The office of Medicaid policy and planning or a contractor of the office of Medicaid policy and planning."**

and when so amended that said bill do pass.

(Reference is to SB 457 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 10, Nays 0.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred Senate Bill 457, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 13, delete "are licensed under IC 25; and" and insert "are:

**(A) licensed under IC 25; and**

**(B) authorized within the provider's scope of practice to administer immunizations; and".**

Page 2, line 14, after "individuals" insert ";".

Page 2, line 14, begin a new line blocked left beginning with "who".

Page 2, line 15, after "providers" insert ", upon request,".

Page 2, line 24, delete "a" and insert "an".

Page 2, line 37, delete "guardian," and insert "guardian".

and when so amended that said bill do pass.

(Reference is to SB 457 as printed February 14, 2003.)

SUMMERS, Chair

Committee Vote: yeas 9, nays 4.

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